

### **REMARKS**

Reconsideration of this application, as amended, is respectfully requested. The claims have been amended without prejudice or disclaimer by: 1) amending claims 1, 26, 36, 38, 44 and 45 to clarify the claimed subject matter; 2) canceling claim 37; and, 3) adding new claims 51-66. These amendments do not add any new matter and are supported by the application as originally filed. Applicants reserve the right to prosecute any canceled or otherwise unclaimed subject matter in this or another application. Consideration and entry of these amendments and comments are respectfully requested.

### **INFORMATION DISCLOSURE STATEMENT**

Applicants appreciate the Examiner's consideration of the documents submitted with the information disclosure statement filed Feb. 11, 2008. However, Applicants note that the Examiner has not acknowledged receipt or review of the information disclosure statement filed Nov. 14, 2007. In addition, the Nov. 14 information disclosure statement does not appear in the file of this application on PAIR. It is respectfully requested that the Examiner inform the Applicants of the status of the Nov. 14, 2007 IDS.

### **SEQUENCE LISTING**

The specification has been amended to insert the missing SEQ ID number at paragraph [0044]. A new sequence listing, in both electronic and paper form (as a .pdf file), is attached to this response. The undersigned representative hereby declares that the content of the paper and computer readable copies of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. §§ 1.821(c) and (e), respectively, are identical in content.

### **REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

Claims 1-30 and 36-50 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Applicants respectfully disagree and traverse this rejection as indicated below.

The Examiner alleged that the claims relate to a nucleic acid molecules comprising SEQ ID NO.: 28 or fragments thereof, or sequences comprising nucleotides

421-1490, and compositions containing the same. The Examiner alleged that certain of the claims relate to the nucleotides of SEQ ID NO.:28 in any order and including as few as a single nucleotide. Applicants respectfully disagree as indicated below.

Claim 1 has been amended to delete reference to fragments of SEQ ID NO.:28. Claim 38 has been amended to replace the term “a” with “the”. Claim 45 has also been amended to clearly indicate that the subject nucleic acid is a “CEA-encoding nucleic acid sequence” which is not possible using the nucleotides of SEQ ID NO.: 28 in any order or utilizing only a single nucleotide thereof. Applicants do not believe new claims 51-66 would be understood by one of skill in the art to relate to the nucleotides of SEQ ID NO.: 28 in any order or the use of a single nucleotide thereof. Each of the new claims requires a nucleic acid molecule that at least encodes an antigen and hybridizes to at least a portion of SEQ ID NO.:28. The claimed sequences are all described within the application and Applicants believe the claims comply with the written description requirements of 35 U.S.C. § 112, first paragraph. It is therefore respectfully requested that these rejections be withdrawn.

#### **REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 1-30 and 36-50 stand rejected under 35 U.S.C. 102(b) as being anticipated by Paoletti et al. (U.S. Pat. No. 5,833,975). Applicants respectfully disagree as indicated below.

The Examiner alleged that the claims were anticipated Paoletti because teaches fragments of SEQ ID NO.:28 (e.g., the non-modified CEA sequences). The amended claims relate to nucleic acids containing either the entire sequence of SEQ ID NO.:28 or nucleic acids that hybridize to those portions of SEQ ID NO.:28 that were modified as described in the instant application (e.g., modified repeats 1 and 2). Paoletti does not disclose either SEQ ID NO.: 28 or a sequence that could hybridize under highly stringent conditions to nucleotides 421-1490 of SEQ ID NO.: 28. Accordingly, Applicants do not believe Paoletti teaches the claimed expression vectors, nucleic acid molecules and compositions containing the same. It is therefore requested that these rejections be withdrawn.

### **CONCLUSIONS**

Applicants respectfully request consideration and entry of this reply. Applicants believe the claims are in condition for allowance and request that a Notice of Allowance be issued as soon as possible. The Examiner is encouraged to contact the Applicants' undersigned representative if it is believed doing so would expedite prosecution of this application.

Date: September 20, 2008

Respectfully submitted,

/Patrick J. Halloran/

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